



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/397,920	09/17/1999	HIDEYUKI SAKAIDA	1982-0136P	9398

7590 12/17/2003

BIRCH STEWART KOLASCH & BIRCH LLP
PO BOX 747
FALLS CHURCH, VA 220400747

EXAMINER

COUSO, YON JUNG

ART UNIT	PAPER NUMBER
----------	--------------

2625

DATE MAILED: 12/17/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/397,920

Applicant(s)

SAKAIDA, HIDEYUKI

Examiner

Yon Couso

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-13, 15, 17, 20 and 22 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 14, 16 and 18 is/are rejected.
- 7) ☒ Claim(s) 2, 4, 5, 19, 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

1. Applicant's arguments filed August 11, 2003 have been fully considered but they are not persuasive.

a. The applicant argues that the Hirayabashi does not teach first image conversion used for the repeated one-half reduction to generate an intermediate image and second image conversion used in the final reduction on the intermediate image to generate the final required number of pixels. The examiner disagrees. Hirayabashi teaches image conversion system that reduces image size into $\frac{1}{2}$ repeatedly until final image is produced (column 5, lines 48-55). The conversion process up to second to the last image reduction reads on the first image conversion used for the repeated one-half reduction to generate an intermediate image and the last conversion process leading to the final image reads on the second image conversion used in the final reduction on the intermediate image to generate the final required number of pixels. Independent claims 1, 14 and 18 do not distinguish the first conversion from the second conversion. The Hirayabashi reference still reads on them.

b. The applicant also argues that the Hirayabashi does not teach a first interpolation calculation and a second interpolation calculation, wherein the second interpolation calculation, differs from the first interpolation calculation. The examiner notes that this feature is not disclosed in any of the presently rejected claims.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 14, 16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirabayashi et al.

Hirabayashi teaches an image conversion method in which image data represented by a required number of pixels is obtained from original image data represented by a predetermined number of pixels, comprising the steps of: carrying out a first image conversion by obtaining, by first interpolation calculation, image data represented by a number of pixels which is one-half of the predetermined number of pixels, from the original image data represented by the predetermined number of pixels (figure 7c); preparing an intermediate image by repeatedly carrying out the first image conversion at a rate of one-half of the number of pixels, until a number of pixels close to the required number is reached (figure 7d); and carrying out a second image conversion by obtaining, from the intermediate image, image data represented by the required number of pixels (406 in figure 6 and column 5, lines 48-54).

Hirabayashi teaches wherein the intermediate image has a number of pixels, which is greater than and closest to the required number of pixels (figure 7c).

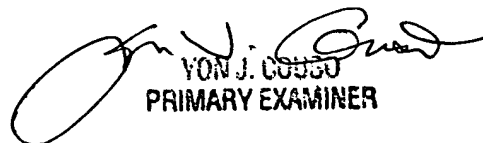
3. Claims 6-13, 15, 17, 20 and 22 are allowed.
4. Claims 2, 4, 5, 19 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yon Couso whose telephone number is (703) 305-4779. The examiner can normally be reached on 8:00 am –4:30 pm from Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au, can be reached on (703) 308-6604. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



YON J. COUSO
PRIMARY EXAMINER

Yjc

December 13, 2003